

ASSEMBLY BILL

No. 1358

Introduced by Assembly Member Fuentes

February 18, 2011

An act to add Section 42008.8 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1358, as introduced, Fuentes. Vehicles misdemeanor: violations: amnesty.

Existing law authorizes a county to establish a one-time amnesty program for fines and bail that have been delinquent for not less than 6 months as of the date upon which the program commences and were imposed for an infraction or misdemeanor violation of the Vehicle Code, except for parking violations, and specified reckless driving and driving-under-the-influence (DUI) offenses. Existing law allows a person owing a fine or bail that is eligible for amnesty under this program to pay to the superior or juvenile court 70% of the total fine or bail, or \$100 for an infraction or \$500 for a misdemeanor, either amount of which must be accepted by the court in full satisfaction of the delinquent fine or bail.

This bill would additionally authorize, in conjunction with above one-time amnesty program, a county to establish a one-time amnesty program that would allow a person to pay 50% of the total fine or bail for a misdemeanor.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 42008.8 is added to the Vehicle Code, to read:

42008.8. (a) In conjunction with the amnesty program required under Section 42008.7, a county may establish a one-time amnesty program for fines and bail that have been delinquent for not less than six months as of the date upon which the program commences and were imposed for a misdemeanor violation of this code, except parking violations of this code and violations of Section 23103, 23104, 23105, 23152, or 23153.

(b) A person owing a fine or bail that is eligible for amnesty under the program may pay to the superior or juvenile court 50 percent of the total fine or bail that shall be accepted by the court in full satisfaction of the delinquent fine or bail.

(c) The amnesty program shall be implemented by the courts of the county on a one-time basis and conducted in accordance with Judicial Council guidelines for a period of not less than 120 days. The program shall operate not longer than six months from the date the court initiates the program.

(d) A criminal action shall not be brought against a person for a delinquent fine or bail paid under the amnesty program, and additional penalties, except as provided in Section 1214.1 of the Penal Code, shall not be assessed for the late payment of the fine or bail made under the amnesty program.

(e) Notwithstanding Section 1463 of the Penal Code, the total amount of funds collected by the courts pursuant to the amnesty program shall be deposited in the county treasury until 150 percent of the cost of operating the program, excluding capital expenditures, have been deposited. Thereafter, 37 percent of the amount of the delinquent fines and bail deposited in the county treasury shall be distributed by the county pursuant to Section 1464 of the Penal Code, 26 percent of the amount deposited shall be distributed by the county to the Trial Court Trust Fund of the courts in the participating county as established by Section 68085 of the Government Code, and the remaining 37 percent of the amount deposited shall be retained by the county.

(f) The deposit of fines and bails in the county treasury as described in subdivision (e) is limited to the amnesty program described in this section, and it is the intent of the Legislature that

1 it shall not be considered a precedent with respect to affecting
2 programs that receive funding pursuant to Section 1463 of the
3 Penal Code.

4 (g) A county participating in the program shall file, not later
5 than six months after the termination of the program, a written
6 report with the Assembly Committee on Judiciary and the Senate
7 Committee on Judiciary. The report shall summarize the amount
8 of money collected, operating costs of the program, distribution
9 of funds collected, and when possible, how the funds were
10 expended.

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